

Appl. No.: 10/611,521  
Amtd. Dated August 15, 2007  
Response to Office Action of May 16, 2007

#### REMARKS/ARGUMENTS

Claims 1-12 are currently pending in the application.

Applicant further submits herewith an Information Disclosure Statement including additional references.

Applicant has amended claims 1 and 12, as set forth above, and resubmits the remaining claims without amendment.

#### Claim 12

Claim 12 has been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Publ. No. 2004/0260750 to Ruutu et al.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP § 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Claim 12 has been amended to clarify that the wireless client is remote from the wireless network access device. As discussed below, Ruutu fails to anticipate the subject matter of claim 12, as it does not teach, for example, receiving, at a wireless network access device, a session initiation message from a wireless client remote from the wireless network access device. Ruutu teaches a system where the QoS processing disclosed therein is contained within the functionality of a single device. Specifically, Ruutu teaches a mobile device 118 that includes a QoS module 202, a connection manager 204, and session and transport protocol module 206. As Ruutu teaches, the SIP and SDP protocol functions of the mobile device may access the QoS module 202 to "request QoS capabilities

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and map them to SDP parameters." Ruutu ¶ 0035.

Claims 1-11

Claims 1-6 and 9 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ruutu in view of U.S. Patent Publ. No. 2005/0286466 to Tagg et al. Claims 7 and 8 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ruutu and Tagg in further view of U.S. Patent Publ. No. 2007/0076603 to McLampy et al. Claims 10 and 11 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ruutu and Tagg in further view of U.S. Patent Publ. No. 2006/0230124 to Belfiori et al.

To establish a *prima facie* case of obviousness, "the prior art must teach or suggest all the claim limitations." MPEP § 2143; see also MPEP § 2143.03 ("To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.").

The Examiner alleges that the proposed combination of Ruutu and Tagg discloses or suggests the claimed subject matter. Applicants respectfully traverse the rejection and request reconsideration.

Ruutu and Tagg, neither alone nor in combination, discloses the claimed subject matter. As set forth above, the claimed subject matter is generally directed to transparently processing session initiation messages to provide QoS to sessions to which the session initiation messages correspond.

In formulating the instant rejection, the Examiner has misinterpreted the teachings of Ruutu and consequently misapplied its teachings to the pending claims. As to claim 1,

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for example, Ruutu does not teach a central control element that is "operative to manage and control the wireless connections between the access elements and corresponding remote client elements." Additional claim language makes clear that a remote client element is connected to an access element, and that a central control element manages the connections between access elements and remote client elements. The Examiner appears to allege that connection manager 204 of Figure 2 as disclosed in Ruutu is a central control element. The Examiner's allegation, however, is demonstrably incorrect. Rather, Ruutu clearly teaches a QoS mechanism, where a QoS module 202 installed on a wireless device establishes QoS for data connections. The connection manager 204 of Ruutu is an additional functional module installed on a wireless device or client. Indeed, all the elements identified in Figure 2 are associated with a single mobile device or wireless client. For example, Figure 2 also illustrates a user interface module 221. While the connection manager 204 is responsible for connection set up (Ruutu ¶ 0040), the connection manager 204 operates on a single mobile device platform and is, therefore, not operative to manage connections between multiple access elements and corresponding remote client elements. Still further, it is clear based on the foregoing that the connection manager 204 is installed on a device most closely analogous to the "remote client element" identified in the pending claims.

Accordingly, when the teachings of Ruutu are placed in their proper context the simply do not support a *prima facie* case of obviousness either alone or in combination with Tagg. For example, the Examiner alleges that the Ruutu teaches that the central control element is operative to transmit the QoS policy to a first access element to which the remote client element is associated. However, since Ruutu does not teach a central control element, it does not teach this operation or the other operations in the pending claims that are performed by the central control element.

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Given the foregoing, even assuming that the proposed Ruutu-Tagg combination is appropriate, the proposed combination fails to disclose the subject matter of the invention. The Examiner relies on Tagg merely for disclosure of a wireless access point operating in a network environment. As discussed above, the proposed combination would yield a mobile device having a QoS module 202 and connection manager 204 that can communicate in a wireless network environment including one or more access elements. As discussed above, however, the proposed Ruutu-Tagg combination fails to disclose a central control element that manages connections between mobile devices and the access elements, and performs the operations identified in claim 1, such as receiving session initiation messages from the remote client elements and transparently processing them to support QoS for the ensuing session.

Dependent claims 2-10 are allowable for the reasons discussed above. As to claim 2, however, the Examiner appears to allege that the tunneling capabilities taught in Tagg teach the tunneling disclosed in claim 2; however, the Examiner overlooks the actual claim language that indicates that a central control element is operative to establish tunnels with access elements. Neither Tagg nor Ruutu teach this limitation. As to claim 5, the Examiner incorrectly alleges that Tagg teaches this subject matter at paragraph 0037. Tagg teaches a hand off from one network type (WWAN) to another network type (WLAN); however, nothing in the cited passage teaches that QoS is transferred. If the Examiner intends to allege that such a feature is inherent to Tagg, Applicant requests that the Examiner point to actual evidence that such a feature is inherently taught. Furthermore, Tagg does not specifically teach a central control element that sends QoS parameters to a second access element. As to claims 10 and 11, similar to the foregoing, the QoS module 202 and connection manager 204 are implemented on a mobile client device (not an access element). Accordingly, the proposed Ruutu-Tagg-Belfiore combination does not disclose

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applying security at an access element, as disclosed and claimed.

In light of the foregoing, Applicant believes that all currently pending claims are presently in condition for allowance. Applicant respectfully requests a timely Notice of Allowance be issued in this case. If the Examiner believes that any further action by Applicant is necessary to place this application in condition for allowance, Applicants request a telephone conference with the undersigned at the telephone number set forth below.

Respectfully Submitted,  
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By

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